OIPE 1AP44
JAN 24 2007
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Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional): 060258-0282888

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Application Number	Filed
09/993,947	11/27/2001

First Named Inventor: RELANDER et al.

Art Unit	Examiner
2136	Zia, Syed

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).
Note: No more than five (5) pages may be provided.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [X] attorney or agent of record. Registration number 41844
- [ ] attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____

Signature

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Typed or printed name

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Telephone number

January 24, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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Attorney Docket: 060258-0282888
Client Reference: 2000937US/LT/HER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: RELANDER ET AL. Confirmation Number: 8087
Application No.: 09/993,947 Group Art Unit: 2136
Filed: November 27, 2001 Examiner: Zia, Syed

Title: MAINTAINING END-TO-END SYNCHRONIZATION ON A TELECOMMUNICATIONS CONNECTION

ATTACHMENT SHEETS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellants hereby request that a panel of examiners formally review the legal and factual basis of the rejections in the above-identified application prior to the filing of an appeal brief. Appellants assert that the outstanding rejection (now on appeal by virtue of the concurrently filed Notice of Appeal) is clearly improper based both upon errors in facts and the omission of essential elements required to establish a prima facie rejection (i.e., the prior art reference fails to disclose, teach or suggest all the recited claim features).

APPEALED REJECTIONS

Appellants appeal the rejection of claims 1-18, 22-26 and 29 under 35 U.S.C. 103(a) as being unpatentable over document "Encrypted Video over TETRA" by Samarakoon et al. (hereafter "Samarakoon") in view of "CRT-Mode Encryption" by Lipmaa et al. (hereafter "Lipmaa") in further view of Kramer et al. (US 6,658,027; hereafter "Kramer"), the rejection of claims 20-21 and 28 under 35 U.S.C. 103(a) as being unpatentable over Samarakoon, Lipmaa and Kramer in view of ESTI (Radio Equipment and System (RES); Trans—European Trunked Ratio (TETRA); Packet Data Optimized (PDO); Part 1: General Network Design; hereafter "ESTI"), and the rejection of claims 19 and 27 under 35 U.S.C. 103(a) based on Samarakoon, Lipmaa, Kramer and Uhlirz.

ARGUMENTS FOR TRAVERSAL

Appellants submit that a prima facie case of obviousness has not been established because the cited prior art, analyzed individually or in combination, fails to disclose, teach or suggest all the features recited in the rejected claims. For example, the claimed increasing of the reproducing delay of the data to be transmitted by adding one or more extra frames to the frame string being transmitted, marking a frame to be added to increase the reproduction delay as an extra frame and counting of only the frames not marked as extra frames as the number of received frames.

More specifically, the cited prior art fails to disclose, teach or suggest:

- the claimed method (independent claim 1) comprising "increasing the reproduction delay of the data being transmitted by adding one or more extra frames to the frame string being transmitted; marking a frame to be added to increase the reproduction delay as an extra frame; and counting only the frames not marked as extra frames in the number of received frames,"

- the claimed arrangement comprising "means for adjusting the reproduction delay arranged to increase the reproduction delay of the data being transmitted by adding one or more extra frames to the frame string being transmitted. . . wherein the means for adjusting the reproduction delay are arranged to mark the frame to be added to increase the reproduction delay as an extra frame, whereby the means for defining the initialization vector value are arranged to count only the frames not marked as extra frames in the number of received frames,"

- the claimed network element (independent claim 13), being arranged "to increase the reproduction delay of the data being transmitted by adding one or more extra frames to the frame string being transmitted, and to mark the frame added to increase the reproduction delay as an extra frame," or

- the claimed network element of independent claim 22, wherein the reproduction delay of the data being transmitted can be increased by adding one or more extra frames to the frame string being transmitted, the network element being arranged to, "when the frames added to increase the reproduction delay are marked as extra frames, to count in the number of received frames only the frames that are not marked as extra frames added to increase the reproduction delay."

In response to the previously asserted arguments that Samarakoon fails to teach or suggest the claimed operation and equipment for adding one or more extra frames to the frame string being transmitted and associated resulting operations, the Examiner has now admitted that Samarakoon fails to teach or suggest increasing the reproduction delay of the data to be transmitted by adding one or more extra frames to the frame string being transmitted and counting only the frames not marked as extra frames in the number of

received frames. However, the Examiner appears to have maintained his position that Samarakoon teaches marking a frame to be added to increase the reproduction delay as an extra frame.

Nevertheless, Samarakoon fails to teach this features as well because Samarakoon merely teaches insertion of synchronization frame, which do not correspond to or anticipate the claimed insertion of one or more frames, marked as extra frames, to be added to increase the reproduction delay. Even if Samarakoon teaches insertion of synchronization frames, as noted in the Office Action, such insertion does not correspond to the claimed operation and equipment for adding one or more extra frames to the frame string being transmitted and associated resulting operations. This is because Samarakoon's synchronization frame is not "a frame to be added to increase the reproduction delay" and it is not marked as an extra frame.

As previously explained, Samarakoon merely teaches to reduce the data rate to compensate for the reduced transmission capacity due to the inserted synchronization frames. As a result, the inserted synchronization frames in the solution of Samarakoon do not increase the reproduction delay. Furthermore, those synchronization frames are not marked as "extra frames."

Lipmaa fails to remedy this deficiency of Samarakoon because Lipmaa merely relates to counter-mode encryption. In fact, it should be noted that Lipmaa is completely silent about any frames being transmitted. As a consequence, Samarakoon in combination with Lipmaa fail to disclose, teach or suggest increasing the reproduction delay of the data to be transmitted by adding one or more extra frames to the frame string being transmitted, marking a frame to be added to increase the reproduction delay as an extra frame, or counting only the frames not marked as extra frames in the number of received frames.

Similarly, Kramer fails to remedy the deficiencies of Samarakoon and Lipmaa because Kramer merely relates to jitter buffer management. More specifically, Kramer discloses that silence frames can be inserted into a jitter buffer when certain criteria are satisfied. Kramer, however, fails to disclose, teach or suggest marking a frame to be added to increase the reproduction delay as an extra frame; and counting only the frames not marked as extra frames in the number of received frames.

Furthermore, if the teachings of Kramer were combined with the teachings of Samarakoon, such that an added frame would be considered the same, as indicated by the Examiner on page 6, last paragraph of the final rejection, there would be no change in the

reproduction delay because Samarakoon specifically teaches to reduce the data rate to compensate for the reduced transmission capacity due to added frames.

Similarly, both ESTI and Uhlirz fail to remedy the above identified deficiencies. As a result, the invention recited in claims 1-29 is allowable over the cited prior art, analyzed individually or in combination.

CONCLUSION

Based on the foregoing, Appellants submit that claims 1-29 are patentable over the cited prior art and allowable.

Therefore, it is respectfully requested that the panel return a decision concurring with Appellants' position and eliminating the need to file an appeal brief because there are clear legal and/or factual deficiencies in the appealed rejections. Specifically, the combined teachings of the cited prior art fail to disclose, teach or suggest all the features recited in the rejected claims. Therefore, a prima facie case of obviousness has not been met for either prior art rejection. Thus, all pending claims are patentable.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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